

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22998 of 1998

Between:

- 1 Sri Gayatri Vaddera Co-operative Labour Contract Society, Rep. by G. Koteswara Rao, S/o Venkateswarlu, R/o Koppunuru, Guntur District
- 2 Sri Laxmi Narasimha Co-operative Labour Contract Society, Rep. by Mr. B. Venkata Kotaiah, R/o Vinukonda, Guntur District

..... PETITIONERS

AND

- 1 The Superintending Engineer, Road & Buildings Department, Guntur District
- 2 The Executive Engineer, Road & Buildings Department, Guntur District
- 3 The Executive Engineer, Road & Buildings Department Narsaraopet, Guntur District
- 4 The Executive Engineer, Road & Buildings Department, Tenali, Guntur District
- 5 The Executive Engineer, Road & Buildings Department, Ongole, Prakasam District
- 6 The Executive Engineer, Road & Buildings Department, Markapuram, Prakasam District
- 7 The Secretary to Government of A.P., Transport, R & B (B.III) Department, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or direction or order more particularly one in the nature of Writ of Mandamus, or any other appropriate Writ, declaring the action of the Respondents, declaring the G.O.Ms.No.6, Transport, Road & Buildings (B.III) Department dt:12.01.1996 as being illegal, arbitrary and irrational and consequently direct the Respondents to restore the old procedure for recovering the seigniorage charges from the bills of the Petitioners (Contractors) by the Roads and Buildigns Department in accordance with the G.O.Ms.No. 205, Transport, Road & Buildings

(B.III) Department dt:8.10.1993.

Counsel for the Petitioners: MR.K.VENKATESWARLU

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

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This writ petition is filed seeking to declare the G.O. Ms.No.6 Transport, Roads & Buildings Departments, dated 12-01-1996 as illegal, arbitrary and irrational and consequently to direct the respondents to restore the old procedure for recovering the seigniorage charges from the bills of the petitioners-contractors by the R & B Department in accordance with G.O.Ms. No.205 Tr & B, dated 08-10-1993.

It is submitted by the learned Special Government pleader for Taxes and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998.

In the circumstances, following the common order of this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioners had already drawn their bills pending payment of seigniorage fee, they shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioners failed to comply with the condition, they shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

N.V. RAMANA, J

Date: 17-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Superintending Engineer, Road & Buildings Department,
Guntur District
 - 2 The Executive Engineer, Road & Buildings Department,
Guntur District
 - 3 The Executive Engineer, Road & Buildings Department
Narsaraopet, Guntur District
 - 4 The Executive Engineer, Road & Buildings Department,
Tenali, Guntur District
 - 5 The Executive Engineer, Road & Buildings Department,
Ongole, Prakasam District
 - 6 The Executive Engineer, Road & Buildings Department,
Markapuram, Prakasam District
 - 7 The Secretary to Government of A.P.,
Transport, R & B (B.III) Department,
Secretariat Buildings, Hyderabad.
8. Two CCs. to the Government Pleader for Roads & Buildings, High
Court Buildings, A.P., Hyderabad (OUT).
9. Two CD copies

Enclosed along with a copy of judgment order dated 07-10-1998 made in W.P.
No.7456 of 1998.

Form-NIC-OGS/WP{PRASAD}